

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
SHERMAN DIVISION**

**THE TRANSPARENCY PROJECT,**

Plaintiff,

vs.

**UNITED STATES DEPARTMENT OF  
JUSTICE, et al.,**

Defendants

**Case No. 4:20-cv-467-SDJ**

**NOTICE**

After the parties finished briefing the Plaintiff's Objection to Report and Recommendation of United States Magistrate Judge ("Plaintiff's Objection")(Dkt. #68), the U.S. Department of Justice published the May 12, 2023 Report on Matters Related to Intelligence Activities and Investigations Arising Out of the 2016 Presidential Campaigns ("Durham Report") (previously filed in this Court in *Huddleston v. FBI*, Case No. 4:20-cv-00447, as Dkt. #133-1, and attached hereto as Exhibit 1). The Plaintiff believes the Durham Report is relevant to the arguments found on pages 4-13 of Plaintiff's Objection, and it asks the Court to take judicial notice insofar as the report was produced by a party to this litigation. As indicated on pages 4-13 of Plaintiff's Objection, the CIA worked with the FBI during the "Russian collusion" investigation / hoax.

According to the Durham Report, the Government's "Russian collusion" investigation of former President Donald J. Trump and his associates was systemically tainted by bad faith, in part because it was aware, no later than August 22, 2016 of the "Clinton Plan," or the "proposal . . .to vilify Donald Trump by stirring up a scandal claiming interference by the Russian security

services.” Durham Report 85. The Clinton Plan should never have been taken seriously by the FBI, as Special Counsel John Durham made clear over and over again through his report. *See* Durham Report at 95 (stressing the “rather startling and inexplicable failure to adequately consider and incorporate the Clinton Plan intelligence into the FBI’s investigative decision making in the Crossfire Hurricane investigation” and concluding “the FBI thus failed to act on what should have been -when combined with other, incontrovertible facts -a clear warning sign that the FBI might then be the target of an effort to manipulate or influence the law enforcement process for political purposes during the 2016 presidential election”); 97 (“troubling disregard for the Clinton Plan intelligence and potential confirmation bias in favor of continued investigative scrutiny of Trump and his associates”); 304-05 (“FBI leadership essentially disregarded the Clinton Plan intelligence. . . despite the fact that at precisely the same time as the Clinton Plan intelligence was received (i) the Clinton campaign made public statements tying the DNC computer hack to Russian attempts to help Trump get elected, (ii) the FBI was receiving the Clinton campaign-funded Steele Reports, and (iii) the Clinton campaign-funded Alfa Bank allegations were being prepared for delivery to the media and the FBI”). Insofar as the FBI and CIA were working together, the Plaintiff submits that the foregoing evidence is relevant to the question of whether the CIA was acting in bad faith to frame a Presidential candidate.

Respectfully submitted,

**/s/ Ty Clevenger**

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**Counsel for Plaintiff**

**Certificate of Service**

On February 13, 2024, I filed a copy of this response with the Court's ECF system, which should result in automatic notification via email to Asst. U.S. Attorney James Gillingham, Counsel for the Defendants, at [james.gillingham@usdoj.gov](mailto:james.gillingham@usdoj.gov).

**/s/ Ty Clevenger**

Ty Clevenger